

Locality 20 W. 64th St. (One Lincoln Plaza)

Callsign WNTM-210

Latitude 404618

Longitude 735855

File No.

Elevation 80 feet

Date Filed 3-22-94

Hgt. of Support Struct. 480 feet

PN Accept Date 4-15-94

Ft. Antenna Increases Hgt 0 feet

PN Grant Date 7-15-94

Hgt. of Str. + Ant. 480 feet

Latest Amend Date

Antenna C/L 470 feet

Expiration 7-15-99

Airport &
Distance

Notes

Azimuth	Path Name	Latitude	Longitude	
43.541	10 West 66th	40-46-22	73-58-50	G
91.240	45 East 72nd Street	40-46-17	73-57-54.5	G
159.544	Park meridian	40-45-51.5	73-58-42	G
163.911	125 West 55th Street	40-45-49	73-58-44	G
172.192	Royal Regha	40-45-47.5	73-58-49.5	G
179.985	30 Lincoln Plaza	40-46-15	73-58-55	G
201.641	Milford Plaza	40-45-32	73-59-19	G

Locality 20 W. 64th St. (One Lincoln Plaza)

Callsign WNTT321

Latitude 40-46-18

Longitude 073-58-55

File No. 706301

Elevation 80.0

Date Filed 8.24.94

Hgt. of Support Struct. 480.0

PN Accept Date 9.16.94

Ft. Antenna Increases Hgt 0

PN Grant Date 11-15-94

Hgt. of Str. + Ant. 480.0

Latest Amend Date

Antenna C/L 470.0

Expiration 11-05-99

Airport & Distance LaGuardia ENE 5miles

Notes

Azimuth

Path Name

Latitude

Longitude

1.675

175 West 73rd

40-46-44

73-58-54

G

178.22

870 Seventh Ave, NYC

40-45-53.5

073-58-54

G

202.900

322 West 57th Street

40-46-00.0

073-59-05.0

G

Locality 20 W. 64th St. (One Lincoln Plaza)

Callsign WNTT-379

Latitude 404818

Longitude 735855

File No.

Elevation 80feet

Date Filed

Hgt. of Support Struct. 480 feet

PN Accept Date

Ft. Antenna Increases Hgt 0 feet

PN Grant Date 11-8-93

Hgt. of Str. + Ant. 480 feet

Latest Amend Date

Antenna C/L 470 feet

Expiration 11-8-98

**Airport &
Distance**

Notes

Azimuth

Path Name

Latitude

Longitude

37.244

33 West 67th Street

40-46-25

73-58-48

G

Locality 20 W. 64th St. (One Lincoln Plaza)

Callsign WNTT-489

Latitude 40-46-18

Longitude 73-58-55

File No. 708778

Elevation 80.0

Date Filed 11-7-94

Hgt. of Support Struct. 480.0

PN Accept Date 12-9-94

Ft. Antenna Increases Hgt 0.0

PN Grant Date 1-6-94

Hgt. of Str. + Ant. 480.0

Latest Amend Date 12-22-94

Antenna C/L 470.0

Expiration 1-6-99

Airport &
Distance

Notes

Azimuth	Path Name	Latitude	Longitude	
11.251	639 West End Avenue, NYC	40-47-32.5	73-58-35.5	P
13.730	186 West 80th Street, NYC	40-47-00	73-58-41.5	G
18.358	215 West 91st Street, NYC	40-47-29	73-58-24	G
56.668	55 Central Park West, NYC	40-46-21.5	73-58-48	P
283.346	35 West End Avenue, NYC	40-46-23.5	73-59-25.5	P
335.481	170 West End Avenue, NYC	40-46-35.5	73-59-05.5	P

Locality 20 W. 64th St. (One Lincoln Plaza)

Callsign WNTT-699

Latitude 404618

Longitude 735855

File No.

Elevation 80feet

Date Filed

Hgt. of Support Struct. 480 feet

PN Accept Date

Ft. Antenna Increases Hgt 0 feet

PN Grant Date 1-11-94

Hgt. of Str. + Ant. 480 feet

Latest Amend Date

Antenna C/L 470 feet

Expiration 1-11-99

Airport &
Distance

Notes

Azimuth

Path Name

Latitude

Longitude

54.950

47 West 66th Street

40-46-22

73-58-47.5

G

Locality 20 W. 64th St. (One Lincoln Plaza)

Callsign WNTU-699

Latitude 404618

Longitude 735855

File No.

Elevation 80feet

Date Filed

Hgt. of Support Struct. 480 feet

PN Accept Date

Ft. Antenna Increases Hgt 0 feet

PN Grant Date 6-10-94

Hgt. of Str. + Ant. 480 feet

Latest Amend Date

Antenna C/L 470 feet

Expiration 6-10-99

Airport &
Distance

Notes

Azimuth

Path Name

Latitude

Longitude

44.125

115 Central

404632.5

7358365

G

Locality 20 W. 64th St. (One Lincoln Plaza)

Callsign WNTU-873

Latitude 404618

Longitude 735855

File No.

Elevation 80feet

Date Filed

Hgt. of Support Struct. 480 feet

PN Accept Date

Ft. Antenna Increases Hgt 0 feet

PN Grant Date 4-12-94

Hgt. of Str. + Ant. 480 feet

Latest Amend Date

Antenna C/L 470 feet

Expiration 4-12-99

Airport &
Distance

Notes

Azimuth

Path Name

Latitude

Longitude

68.581

200 East 89th Street

40-46-49

73-57-11

G

Normandie Court
1692 Third Avenue, NYC
40-45-03 N 073-56-54W

WNTM385

Expiration 08-08-99

Site No.	Azimuth	Path Name	Az Lat.	Az Long.	Status
	153.808	441 East 92nd Street	40-46-46	73-56-43	P
	298.526	44 West 96th Street	40-47-31.5	73-58-03	P
	161.953	120 East End, NYC	40-46-28	73-56-39	P
	166.327	525 East 86th Street	40-46-38	73-56-46	P
	221.315	567 Fifth Avenue	40-45-46	73-58-23	P
02	210.395	205 East 64th Street	40-45-53	73-57-48	G
03	214.653	179 East 70th Street	40-46-08	73-57-44	G
04	243.943	1 Lincoln Plaza	40-46-18	73-58-55	G
05	292.907	Stone Hedge	40-47-59	73-59-48.5	G
06	299.037	12 West 96th Street	40-47-30	73-57-58	G
07	168.286	535 East 86th Street	40-46-30	73-56-45	G
08	189.950	345 East 86th Street	40-46-37	73-57-00	G
09	168.783	1675 York Avenue (Andover)	40-46-40	73-56-48	G
10	210.395	19 East 88th Street	40-46-56.5	73-57-30	G
11	161.331	180 East End	40-46-36	73-56-42	G
12	174.561	510 East 86th Street	40-46-31	73-56-50	G
13	274.861	90 Riverside	40-47-10	73-58-42.5	G
14	200.812	302 East 88th Street	40-46-43	73-57-04	G
15	242.106	38 East 85th Street	40-46-46.5	73-57-35	G
16	175.758	60 East End	40-46-22	73-56-50	G
17	261.685	High Gate	40-47-02	73.57-03	G
18	255.993	1112 Park Avenue	40-46-57.5	73-57-23	G
19	260.053	1155 Park Avenue	40-47-00	73-57-16.5	G
20	173.412	80 East End	40-46-23.5	73-56-48	G
21	242.136	1001 5th Avenue	40-46-42.5	73-57-45	G

Normandie Court
1692 Third Avenue, NYC
40-45-03 N 073-56-54W

WNTM335

Expiration 08-08-99

Site No.	Azimuth	Path Name	Az Lat.	Az Long.	Status
23	220.538	REPEATER Claridge	40-46-47	73-57-12	G
24	239.688	RX 170 East 87th Street	40-46-45	73-57-16.5	G
25	248.802	49 East 86th Street	40-46-51.5	73-57-33	G
26	250.499	1111 Park Avenue	40-46-56	73-57-20	G
27	206.295	245 East 87th Street	40-46-43	73-57-07	G

**2600 Netherlands Avenue (Ce y)
40-52-42 N 073-54-56W**

WNTX889

Expiration 2-06-2000

Site No.	Azimuth	Path Name	Az Lat.	Az Long.	Status
5.834		3515 Henry H Parkway	40-53-08	73-54-52.5	G
25.080		3601 Johnson	40-53-12	73-54-37.5	G
18.07		3755 Henry H Parkway	40-53-20.5	73-54-39.5	G

EXHIBIT 4

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

- - - - -X
 :
 In re: Application of : WT Docket No.
 : 96-41
 Liberty Cable Co., Inc. :
 :
 - - - - -X

CONFIDENTIAL

Tuesday, May 21, 1996

Washington, D.C.

The deposition of ANTHONY J. ONTIVEROS,
 called for examination by counsel for Time-Warner
 Cable of New York City in the above-entitled
 matter, pursuant to notice, in the offices of
 Fleischman and Walsh, 1400 16th Street, N.W., Sixth
 Floor, Washington, D.C., convened at 10:02 a.m.,
 before David A. Kasdan, RPR, a notary public in and
 for the District of Columbia, when were present on
 behalf of the parties:

1 stayed constant throughout time.

2 And as the number of buildings serviced by
3 Liberty expanded, the precise formatting of the
4 document changed. We said to the Commission we are
5 happy to produce all of them, and obviously that
6 will be a time-consuming process, so we suggested
7 the prospect of producing random samples so you
8 could see what they were, and then we could move
9 forward from there with working out some sort of
10 accommodation if you need more at all, and we are
11 open to suggestions. I don't want you to be under
12 the misimpression that this is the totality of such
13 reports, but that's what we produced today.

14 MR. WEBER: It was a random sample or
15 first one from each quarter?

16 MR. SPITZER: It may be there, but it
17 appears to be random.

18 MR. BECKNER: We have April and
19 October--April of '96, October of '95, April of '95
20 and October of '94, looks like, just reading the
21 top. I have only one. I only had a chance to have
22 one copy of this be made in addition to what you

1 sent us.

2 So, if you don't mind, I'm going to ask
3 the Reporter to mark one of these versions as the
4 exhibit.

5 (Ontiveros Exhibit No. 7 was
6 marked for identification.)

7 EXAMINATION BY COUNSEL FOR

8 TIME-WARNER CABLE

9 BY MR. BECKNER:

10 Q. I'm going to give you a copy of what was
11 marked as Exhibit 7 to your deposition, and I would
12 like you to just flip through it. I'm not going to
13 ask you about it in tremendous detail. It's a
14 number of pages, but flip through it and take a
15 look at it and let me know when you are ready to
16 answer some questions about it.

17 A. Sure.

18 (Document handed to the witness, and
19 witness reviews document.)

20 MR. BECKNER: Let me put on the record
21 that the first page production number of the
22 exhibit is 15467, and the last page is 15513. And

1 I'm assuming that all the intervening numbers are
2 pages of the document. I have not taken anything
3 out of it.

4 THE WITNESS: I have examined it.

5 BY MR. BECKNER:

6 Q. Thank you, Mr. Ontiveros. I would like
7 you to tell us first, if you could, could you
8 identify this document and tell us what it is.

9 A. Yes. It's a technical operations report,
10 pretty much lists the buildings that we have
11 contracted with, shows who the subscribers are.

12 Q. Is this document generated by your
13 department, the Operations Department?

14 A. Yes.

15 Q. So is it something that are you involved
16 personally in preparing this document?

17 A. There is an assistant in the office who
18 actually puts it in the computer and the rest of
19 it. I had a hand in putting it together.

20 Q. Do you take a look at it after it's
21 generated every time just to make sure it looks to
22 be correct to you?

1 A. Yes.

2 Q. Who receives this report once it's printed
3 out?

4 A. Go through names or what? Departments?

5 Q. Departments would be easier.

6 A. The marketing staff, customer service,
7 legal, executive management.

8 Q. And the executive management, that would
9 be Mr. Price and the two Milstein brothers also?

10 A. Correct.

11 Q. The oldest report that we have--strike
12 that. Let's just get one other thing.

13 How often is this report prepared? Once a
14 week, once a month, et cetera?

15 A. Just about every week.

16 Q. When did the Operations Department first
17 start preparing this kind of report in this format?

18 A. I'm not positive.

19 Q. Direct your attention to the fact that the
20 oldest of the ones that we have in this exhibit is
21 dated October 6, 1994, and what I would like to ask
22 you is whether or not you recall the report in this

1 format being prepared the previous year. That
2 would be 1993.

3 A. Yes.

4 Q. So you're pretty sure, then, at least from
5 1993 coming forward to the present that this
6 technical operations report in this format has been
7 prepared as you described?

8 A. Yes.

9 Q. And was it always during the period that
10 we are now talking about--that is, from 1993
11 forward to the present--was it always circulated
12 among the departments and individuals you
13 identified?

14 A. Yes.

15 Q. Do you know who directed that this kind of
16 a report be prepared initially? When you started
17 doing these reports, you know who asked you to do
18 that?

19 A. No, not sure.

20 Q. Do you know whether or not it was an idea
21 that came from within the operations group, or
22 could it have come from someone else?

1 A. I'm not sure.

2 Q. You testified this morning about, I think
3 it was, weekly meetings with Mr. Milstein and
4 others. I think you used the term "staff meeting"?

5 A. Yes.

6 Q. Are these reports discussed in those staff
7 meetings?

8 A. They're presented at staff meetings,
9 sometimes portions of them are discussed.

10 Q. But I take it from your answer, then, that
11 at the staff meetings you hand out the report for
12 the current week to the people who are there?

13 A. Correct.

14 Q. And this has been your practice at least
15 since 1993?

16 A. Yes.

17 Q. Let's just take a look at one of the
18 reports here. I have chosen the one for April 6,
19 1995, and the first page is production number
20 15494, if you would turn to that page with me,
21 please.

22 A. Okay.

1 Q. Am I right? Is that the first page of the
2 report for April 6, 1995?

3 A. Yes. Page one at the top.

4 Q. Now, I notice here, for example, there is
5 an entry for the Lincoln Harbor Yacht Club, and I
6 would like you to just identify for that particular
7 club what the various columns signify. And the
8 first one said "code rate" and second one says
9 "units," et cetera.

10 A. Do you want me to define each?

11 Q. Just tell us what the columns mean for the
12 Lincoln Harbor Yacht Club since that's one that we
13 talked about earlier in the examination.

14 MR. SPITZER: Not today, but that's all
15 right.

16 MR. BECKNER: Yesterday's examination. We
17 will talk about it today.

18 THE WITNESS: Code is the kind of account.
19 This particular case "C" is commercial account.

20 Rate is the rate to the unit or
21 subscriber.

22 Number of units is exactly what that

1 column is.

2 Next one is the actual number of
3 subscribers after the slash number installed.
4 There was another column that's blank that's the
5 date of the contract.

6 The start date is just a date that we are
7 grouping that particular building in that the
8 expectations that we are going to get it done.

9 And the end date, blank here, but would
10 signify when the project was actually complete.

11 Status can either show a date, tell you
12 that you're in the middle of the project or have
13 some other significant note that in this particular
14 case it shows that there is going to be an
15 installation of basic on 4/1/95, and that Showtime
16 is going to be added 4/10/95.

17 BY MR. BECKNER:

18 Q. Let me just ask you for a clarification of
19 a couple of things.

20 A. Sure.

21 Q. You mentioned the contract. That's the
22 date when I think you called an executed, fully

1 executed contract. Is that the date that would go
2 in there?

3 A. Yes.

4 Q. And in the start column, is that the date
5 that you're projecting to start supplying service
6 or to start doing the work on the actual
7 construction of the system at that property?

8 A. It's kind of a combination of both. Work
9 is going to be done within that month, or at least
10 it's scheduled to be done in that month.

11 Q. Now the other thing I want you to clarify
12 for me, if you could, is when you're using the term
13 "installs" in this page of the report or other
14 pages, some of the time it seems like installs is
15 used to indicate hooking up an individual customer
16 so that once that's done the customer is watching
17 cable. And other times it seems like installs is
18 the idea of putting in the wiring and maybe the
19 microwave antenna in the building.

20 Do you use the term "install" to refer to
21 both activities, or have I just got it wrong?

22 A. You can. I think it leans more towards

1 the subscriber.

2 Q. What term is typically used in the
3 documents that you have created at Liberty to
4 describe the process of wiring up the property and
5 using the necessary microwave antenna if that's
6 what you're going to use, what term do you use?

7 A. Construction.

8 Q. That's construction?

9 A. Yes.

10 Q. So the way things would go, using your use
11 of it, you have construction of property, and then
12 after you have that, you could have installs of
13 service to customers?

14 A. Correct.

15 Q. That would be the correct usage?

16 A. Yes.

17 MR. SPITZER: For documents you create?

18 THE WITNESS: Right.

19 BY MR. BECKNER:

20 Q. Is that pretty much the way people use the
21 terms around the company, not just in your
22 department, as far as you know?

1 A. I don't know for sure.

2 Q. Now, I would like you to look at the
3 second page of this April 6, 1995, report that we
4 are looking at here, 015495.

5 A. Yes.

6 Q. 433 East 56th Street. Under the subs
7 column there is 70, and then beside the slash there
8 is 56.

9 Does that mean that there are 70 people at
10 that address who want your service and you have
11 installed 56 of them as of the date of this report?
12 Is that what this means?

13 A. Correct.

14 Could we go off the record for one second?

15 MR. BECKNER: Yes.

16 (Discussion off the record.)

17 BY MR. BECKNER:

18 Q. Then the date of the contract there is
19 10/6/94, and under the start column there is 12/94.

20 Does that mean you started providing
21 service on 12/94 or that you started work on the
22 project on 12/94?

1 A. Started work on the project on 12/94.

2 (Phone rings and off the record.)

3 Q. Mr. Ontiveros, we were looking at the
4 entry on April 26, 1995, progress report, 433 East
5 56th Street, and I think you told me that the date
6 of 12/94 under the start column, that's when you
7 started work on the project.

8 A. Correct.

9 Q. And the end date on 1/6/95 would be when
10 you completed work on the project?

11 A. That is correct.

12 Q. And the status column says complete, which
13 means it's complete.

14 A. Right.

15 Q. The only clarification I would like from
16 you is if you got 70 units who want to subscribe
17 and 56 are installed, that would suggest to me that
18 there is another 14 units yet to be installed; is
19 that correct?

20 A. Yes.

21 Q. So given as of the date of this report
22 that we are looking at that there were 14 units

1 that needed to be installed, what is the meaning of
2 the word "complete" under "status"? Does that mean
3 it's complete in terms of the construction as
4 opposed to the installation?

5 A. It means construction is complete and
6 majority of the installation is complete.

7 Q. So if the construction wasn't completed,
8 you definitely would not put "complete" in this
9 status column beside a particular property; is that
10 correct?

11 A. Correct.

12 Q. But if construction were complete but not
13 every customer was installed, you might still go
14 ahead and put complete in the column here?

15 A. Right.

16 Q. Now I want you to look at page three of
17 this report which has production number 15496 on
18 it. I take it that these addresses here are ones
19 that were complete in calendar year 1994; is that
20 right?

21 A. Yes.

22 Q. Now, what I want to ask you about here is